

Rombough, Kyrik

From: Alex J. Sagady & Associates [ajs@sagady.com]
Sent: Tuesday, February 12, 2008 10:53 PM
To: gustafson.brian@state.sd.us; Gustafson, Brian
Cc: Rombough, Kyrik; John.Davidson@usd.edu
Subject: Request for disclosure of public documents

Importance: High

Mr. Gustafson:

Attached please find a PDF version of a fax sent this morning that is a request for disclosure of public documents.

Regards,

Alexander J. Sagady
Environmental Consultant to
Sierra Club - Living River Group

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Alex J. Sagady & Associates <http://www.sagady.com>

Environmental Enforcement, Permit/Technical Review, Public Policy,
Expert Witness Review and Litigation Investigation on Air, Water and
Waste/Community Environmental and Resource Protection Prospectus at:
<http://www.sagady.com/sagady.pdf>

657 Spartan Avenue, East Lansing, MI 48823
(517) 332-6971; (517) 332-8987 (fax); ajs@sagady.com

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FACSIMILE COVER PAGE

To : Brian Gustafson

From : Alexander J. Sagady

Sent : 02/12/2008 at 11:49:12 PM

Pages : 3 (including Cover)

Subject : Request for public documents

Attached please find a request for disclosure of public documents

RECEIVED

FEB 13 2008

**AIR QUALITY
PROGRAM**

Alexander J. Sagady & Associates

657 Spartan Avenue, East Lansing, MI 48823-3624

(517) 332-6971 (517) 332-8987 (fax) ajs@sagady.com <http://www.sagady.com>

VIA FAX & Email to DENR Air Quality Program - (605)773-5286

February 13, 2008

Mr. Brian Gustafson, Administrator
Air Quality Program
Department of Environment and Natural Resources
Joe Foss Building
523 E Capitol
Pierre, SD 57501

RE: Request for Copies of Public Records in Electronic Form; Hyperion Energy Center Prevention of Significant Deterioration Permit Application

Dear Mr. Gustafson:

This is a request for certain electronic records held by the SD-DENR Air Quality Program concerning the proposed Hyperion Energy Center (hereafter noted as "HEC") and the associated Prevention of Significant Deterioration Air Quality Permit Application by this firm. This request is made under applicable public records and document law in the State of South Dakota on behalf of the Sierra Club - Living River Group of Vermillion, SD.

While SD-DENR has provided an outstanding and exemplary resource for public participation and disclosure with its Hyperion permit web page, our technical work for the Sierra Club requires that we obtain certain electronic records which are not available at that site.

Specifically, we are requesting disclosure of the following records in electronic form in order to expedite and facilitate our technical review of the PSD permit application:

1. Duplicate copies of all electronic spreadsheet files (i.e. Microsoft Excel and/or Quattro Pro format) which SD-DENR Air Quality Program has obtained from HEC and/or any consultant(s) to HEC that are electronic versions of any portion of the content of the application and/or other electronic spreadsheet material submitted in support of the PSD permit application, air quality modeling or BACT review, or additional spreadsheet materials submitted as supplemental permit application materials and/or submittal of application deficiency material.
2. Duplicate copies of all electronic spreadsheet files created by SD-DENR Air Quality Program staff as their analysis and review workproduct concerning the HEC application, air quality modeling and/or BACT review.

Arrangements for Disclosure

We are requesting disclosure either by electronic mail or by CD-ROM /DVD-ROM. Whichever method is the quickest and easiest for you and your staff is fine with us.

Electronic mail disclosure as attached files can be made to the following internet email addresses:

ajs_foiabin@sagady.com
ajs_foiabin2@sagady.com
ajs_foiabin3@sagady.com
ajs_foiabin4@sagady.com
ajs_foiabin5@sagady.com

Please don't send more than 10 megabytes of data at any one time to any single address above as this will cause a bounced message as a result of internet provider electronic mail limitations.

If you should chose to disclose via CD-ROM or DVD-ROM, please send this material by ordinary first class or priority mail to:

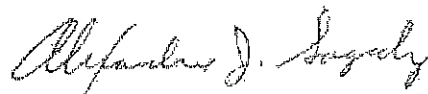
Alexander J. Sagady
Environmental Consultant
657 Spartan Avenue
East Lansing, MI 48823

In any disclosure provided, it would be very helpful if we could clearly tell if the files were provided as item #1 vs. #2 materials.

By this letter we certify financial responsibility for SD-DENR fees and charges up to \$50.00 for satisfying this disclosure request. Would you please provide us a SD-DENR invoice for any charges incurred? If the projected fees would exceed \$50.00, would you please contact us for contingent authorization in that event?

If you should have any questions about this request, please don't hesitate to contact me at ajs@sagady.com or at (517)332-6971. Thanks for your assistance in meeting this request.

Sincerely,



Alexander J. Sagady
Environmental Consultant